

FEDERAL PUBLIC DEFENDER

DISTRICT OF NEW JERSEY

K. ANTHONY THOMAS, FEDERAL PUBLIC DEFENDER

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July 29, 2025

Hon. Matthew W. Brann, Chief United States District Judge
 United States District Court for the District of New Jersey (by designation)
 Mitchell H. Cohen Building & U.S. Courthouse
 4th & Cooper Streets
 Camden, NJ 08101

Re: United States v. Julien Giraud Jr., 1:24-cr-00768
 Motion Challenging Legality of Appointment of Acting U.S. Attorney
 Alina Habba

Dear Chief Judge Brann:

I respectfully request Your Honor's leave to file this letter on behalf of an interested non-party, the Office of the Federal Public Defender for the District of New Jersey.

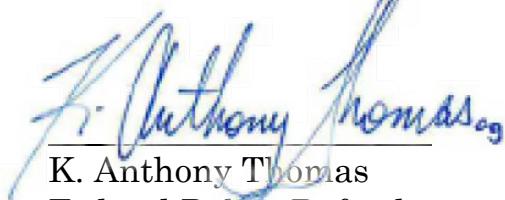
This afternoon, the Court is scheduled to hold a status conference on defendant Julien Giraud, Jr.'s pending motion challenging the legality of Alina Habba's re-installation as the acting United States Attorney for the District of New Jersey following the expiration of her term as interim United States Attorney and the Court's appointment of Desiree L. Grace to succeed her under 28 U.S.C. § 546(d). ECF Nos. 99, 104. As the Federal Public Defender for the District of New Jersey, I have a strong interest in ensuring all federal prosecutions in this District comply with the law and are brought by officials with the proper legal authorization. I also understand the Court's desire to resolve challenges to Ms. Habba's authority in a timely matter to minimize impact on judicial business in the District. At the same time, given the complexity and importance of the legal issues involved, it is critical that the Court decide these issues as they are presented by the facts of each case and with the benefit of full briefing, including by amici curiae if appropriate.

To that end, I write to clarify what I understand are the issues this case does, and does not, present for the Court's resolution. This case presents the issue of whether Mr. Giraud's prosecution and impending federal trial can continue given Ms. Habba's recent re-installation as the acting United States

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Attorney, but where Mr. Giraud was indicted by a previous United States Attorney, Philip Sellinger.¹ This case does *not* present the question of whether indictments, grand jury subpoenas, and other official documents signed by Ms. Habba after the expiration of her term as interim United States Attorney—or after her re-installation as acting United States Attorney—are invalid and must be dismissed. Because that is a separate question that is not raised by the facts of this case and has not been fully briefed, I respectfully request that the Court not address it at this time.

Respectfully submitted,



K. Anthony Thomas
Federal Public Defender

cc: Alison Thompson, Assistant U.S. Attorney (via email only)
Rachelle Marie Navarro, Assistant U.S. Attorney (via email only)
Thomas S. Mirigliano (via email only)

¹ My office takes no position on the answer to this question.